

REMARKS

This Response is submitted in reply to the Office Action dated March 21, 2007. Applicant amended claims 1, 5, 15, 17, 21-24, 26-28, 31, 32, 34 and 35, and Applicant updated the Cross Reference to Related Applications. No new matter has been added by such amendments. Enclosed is a Petition for a Two Month Extension of Time to respond to the Office Action. Please charge Deposit Account No. 02-1818 for all fees due in connection with this Response.

Claim Rejections

The Office Action rejects claims 1, 2, 4-24, 26-28, 30, 31, 34 and 35 and 44-48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,241,607 to Payne et al. ("Payne") in view of U.S. Published Patent Application No. 2001/0041610 to Luciano et al. ("Luciano"). The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Payne and Luciano in further view of U.S. Patent No. 5,342,047 to Heidel et al. ("Heidel"). Such rejected claims shall be referred to in these Remarks as the "Prior Claims." Applicant respectfully disagrees with such rejection of the Prior Claims.

The Office Action does not appear to address the "automatically" element which is set forth in all of the Prior Claims. The Prior Claims defined the concept of automatically apportioning at least one whole credit across multiple paylines. The Office Action relies upon Luciano to disclose wagering partial or fractional game credits. In Luciano, "the player may input the credit value using one or more player input devices 30." (Luciano, Paragraph 42). Then, "the game player has available both full credits and partial credits for game play at any time." (Luciano, Paragraph 43). After these partial credits are available, the player must then select a wager in terms of the number of credits. (Luciano, Paragraph 46). Accordingly, Luciano requires the player to make at least two inputs before being able to use the partial credits to play a game. Luciano does not disclose automatically apportioning partial credits for the player. Likewise, Luciano does not disclose automatically apportioning at least one whole credit across multiple paylines, as defined by the Prior Claims. At least for this reason,

Applicant respectfully submits that the Prior Claims are patentable over the Office Action's combinations.

Office Action's Official Notice

The Office Action states the following:

Regarding the amended limitation of each payline associated with each of the reels (claims 1, 15, 21, 28, 31, 34, and 35), the Examiner hereby takes an Official Notice that this limitation is well known in the slot machine games. The applicant is also referred to the prior art of record such as Clarke (4,669,731) for this well known limitation.

The following provision of the Manual of Patent Examining Procedure is applicable to such Official Notice:

Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner's conclusion should be judiciously applied. Furthermore, as noted by the court in *Ahlert*, any facts so noticed should be of notorious character and serve only to "fill the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based. (MPEP, Eight Edition, Revision No. 5, Section 2144.03 E). (Emphasis Added).

The paylines, each of which is associated with each of the reels, are referenced in multiple places throughout each one of the independent Prior Claims. For example, the apportionment element of each independent Prior Claim has a relationship with the paylines. Accordingly, the paylines, as incorporated through each independent Prior Claim, are not paylines of the type disclosed by U.S. Patent No. 4,669,731 to Clarke. Furthermore, Applicant submits that such Official Notice is improper because the "well known" conclusion of the Official Notice does not serve to "fill the gaps" in an insubstantial manner, as required by the MPEP. The Official Notice's conclusion is not insubstantial at least because of the relationship of the payline elements to the other elements of the Prior Claims. Accordingly, if the Office Action maintains its rejection or reliance upon such Office Notice, Applicant respectfully requests the Examiner to produce authority for its Official Notice, other than Clarke.

Claim Amendments

Despite the remarks set forth above, Applicant made certain claim amendments to clarify the claim language for purposes of advancing the prosecution of this application.

All of the claims submitted with this Response set forth elements directed to the following concepts: (a) receiving a single wager input, where the single wager input corresponds to a value of at least one whole credit; (b) activating a quantity of more than one payline in response to the single wager input; and (c) apportioning the value across the quantity of the paylines in response to the single wager input. The references relied upon in the Office Action's rejections do not separately or collectively disclose such elements for the reasons provided above. Accordingly, Applicant respectfully submits that all of the claims are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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